

COMMITTEE REPORT

MADAM PRESIDENT:

The Senate Committee on Energy and Environmental Affairs, to which was referred Senate Bill No. 620, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill be AMENDED as follows:

- 1 Replace the effective dates in SECTIONS 1 through 5 with
- 2 "[EFFECTIVE UPON PASSAGE]".
- 3 Page 1, line 4, after "System" insert "(NPDES)".
- 4 Page 1, line 4, delete ":".
- 5 Page 1, line 5, delete "(1)".
- 6 Page 1, run in lines 4 through 5.
- 7 Page 1, line 6, reset in roman "(1)".
- 8 Page 1, line 6, delete "(A)".
- 9 Page 1, line 7, reset in roman "(2)".
- 10 Page 1, line 7, delete "(B)".
- 11 Page 1, line 7, delete "; and" and insert ".".
- 12 Page 1, delete line 13, begin a new paragraph and insert:
- 13 **"(b) A variance application must contain a pollutant**
- 14 **minimization plan specific to the pollutant for which the variance**
- 15 **is requested. With respect to a variance relating to an NPDES**
- 16 **permit for a combined sewer overflow discharge, this subsection is**
- 17 **satisfied if the NPDES permit holder has prepared a long term**
- 18 **control plan and is implementing the nine (9) minimum controls**
- 19 **pursuant to:**
- 20 **(1) 33 U.S.C. 1342(q); and**
- 21 **(2) 59 FR 18688."**

- 1 Page 1, line 14, delete "(b)".
- 2 Page 1, line 14, strike "A variance granted under section 8 of this
- 3 chapter or".
- 4 Page 1, strike lines 15 through 17.
- 5 Page 2, line 4, strike "remains in effect".
- 6 Page 2, line 4, delete "for as long as".
- 7 Page 2, line 4, strike "the National Pollutant Discharge"
- 8 Page 2, line 5, strike "Elimination System permit".
- 9 Page 2, line 5, delete "is in effect."
- 10 Page 2, between lines 5 and 6, begin a new paragraph and insert:
- 11 **"(c) Subject to subsection (d), a variance described in subsection**
- 12 **(a) may be granted for a period not to exceed the term of the**
- 13 **NPDES permit affected by the variance.**
- 14 **(d) If an NPDES permit remains in effect beyond its stated term**
- 15 **under IC 13-15-3-6, a variance described in subsection (a) remains**
- 16 **in effect for as long as the NPDES permit requirements affected by**
- 17 **the variance are in effect.**
- 18 **(e) A variance described in subsection (a) may be renewed each**
- 19 **time the NPDES permit affected by the variance is renewed if the**
- 20 **conditions of subsections (a) and (b) continue to be met."**
- 21 Page 2, line 25, after "performed" insert **"and approved"**.
- 22 Page 2, line 27, delete "2-1-6 (as" and insert **"2-1-3 and 327**
- 23 **IAC 2-1.5-5 (both as"**.
- 24 Page 2, line 34, delete "the Consolidated Appropriations Act (P.L.
- 25 106-554);" and insert **"Section 402(q) of the federal Clean Water Act**
- 26 **(33 U.S.C. 1342(q));"**.
- 27 Page 3, line 14, delete "." and insert **"and affordable."**
- 28 Page 3, line 17, delete "the Consolidated Appropriations Act (P.L.
- 29 106-554)" and insert **"section 402(q) of the federal Clean Water Act**
- 30 **(33 U.S.C. 1342(q))"**.
- 31 Page 3, line 23, after "weather" insert **"limited"**.
- 32 Page 3, line 23, after "waters" insert **"directly"**.
- 33 Page 3, line 26, after "if:" insert **"limited"**.
- 34 Page 3, line 27, after "applies" insert **"to a specific water body"**.
- 35 Page 3, line 27, delete "full".
- 36 Page 3, line 28, delete "." and insert **"for the combined sewer**
- 37 **system whose overflow discharges affect those waters is**
- 38 **implemented and the conditions of subsection (b) are satisfied."**
- 39 Page 3, line 29, after "weather" insert **"limited"**.
- 40 Page 4, line 21, delete "conditions" and insert **"quality based**
- 41 **requirements associated with the CSO wet weather limited use**
- 42 **subcategory"**.

- 1 Page 4, line 21, after "to" insert **"waters affected by wet weather"**.
- 2 Page 4, line 22, delete "that result from wet weather events
- 3 consistent with" and insert **"are determined by"**.
- 4 Page 4, line 23, delete "are determined in" and insert **"for the**
- 5 **combined sewer system. The water quality based requirements**
- 6 **remain"**.
- 7 Page 4, delete line 24.
- 8 Page 4, line 25, delete "determination remains".
- 9 Page 4, line 28, delete "full body contact recreation".
- 10 Page 4, line 29, delete "2-1-6 (as" and insert **"2-1-3 and 327**
- 11 **IAC 2-1.5-5 (both as"**.
- 12 Page 4, line 37, delete "recreation" and insert **"recreational"**.
- 13 Page 4, line 37, delete "2-1-6 (as" and insert **"2-1-3 and 327**
- 14 **IAC 2-1.5-5 (both as"**.
- 15 Page 4, line 40, after "weather" insert **"limited"**.
- 16 Page 5, line 7, delete "conditions" and insert **"quality based**
- 17 **requirements"**.
- 18 Page 5, line 10, delete "or is".
- 19 Page 5, line 11, delete "implementing".
- 20 Page 5, line 17, after "weather" insert **"limited"**.
- 21 Page 5, line 20, after "." insert **"The department shall seek**
- 22 **approval of the United States Environmental Protection Agency in**
- 23 **a timely manner."**.
- 24 Page 6, line 3, delete "." and insert **"before October 1, 2006."**.
- 25 Page 6, line 6, delete "The department shall, at the request of the"
- 26 and insert **"Where appropriate, permits shall contain schedules of**
- 27 **compliance requiring the permittee to take specific steps to achieve**
- 28 **expeditious compliance with applicable standards, limitations, and**
- 29 **other requirements.**
- 30 **(b) The schedule of compliance shall require compliance as soon**
- 31 **as reasonably possible, but may remain in effect as long as the**
- 32 **National Pollutant Discharge Elimination System (NPDES) permit**
- 33 **requirements are in effect.**
- 34 **(c) The department shall, at the request of the"**.
- 35 Page 6, line 15, delete "(b)" and insert **"(d)"**.
- 36 Page 6, line 19, delete "(a)." and insert **"(c)."**.
- 37 Page 6, line 21, delete "(c)" and insert **"(e)"**.
- 38 Page 6, line 24, delete "(a)." and insert **"(c)."**.
- 39 Page 6, line 25, delete "(d)" and insert **"(f)"**.
- 40 Page 6, line 26, delete "." and insert **"before October 1, 2006."**.
- 41 Page 6, after line 26, begin a new paragraph and insert:
- 42 **"SECTION 6. [EFFECTIVE UPON PASSAGE] (a) Before**

1 **September 1, 2005, the department of environmental management**
2 **shall review and revise the guidance developed for combined sewer**
3 **overflow communities to incorporate and reflect the law as in effect**
4 **on July 1, 2005.**

5 **(b) This SECTION expires September 1, 2005.**

6 **SECTION 7. An emergency is declared for this act."**

(Reference is to SB 620 as introduced.)

and when so amended that said bill do pass .

Committee Vote: Yeas 9, Nays 1.

Senator Gard, Chairperson